

SIMPLIFIED SCHOOL LAWS

BY
O. W. COURSEY

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W. M. WELCH COMPANY
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SIMPLIFIED SCHOOL LAWS

of

SOUTH DAKOTA

A Classified Interpretation of the Latest School
Laws of the State

for

County Superintendents, School Officers
and School Teachers

by

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"History and Geography of the Philippine Islands"
"A Legal Guide for School Officers and School Teachers"
"Marie Sampalit, a Romance of the Philippine War".

PUBLISHERS

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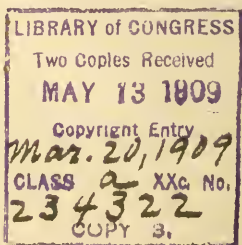


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DEDICATION

To one possessed of those manly qualities which make deceit impossible, friendship enduring and the lives of others about him happier--Professor G. W. Nash, President of the Northern Normal and Industrial School, Aberdeen, South Dakota--this booklet is affectionately dedicated by the author,

O. W. COURSEY

INTRODUCTION

The objects of this little book are as follows:

1. To keep new county superintendents within the bounds of the law in the discharge of their official duties,
2. To assist school officers in the administration of their official work,
3. To enable teachers to better understand their legal qualifications, and to
4. To bring about more harmonious relations among those engaged in school work throughout the State

O. W. COURSEY

CHAPTER I.

County Superintendent of Schools. Qualifications.

1. Age—21 years.
2. Residence—Must have resided in the state 12 months, the county 30 days, the precinct 10 days.
3. Must hold a regular first grade certificate or a certificate of a higher grade at least one year prior to the time of his or her election.
4. Teaching experience—None required under present law, except that required by the superintendent of public instruction for all holders of first grade certificates and certificates of higher rank.

Duties (Specific).

January.

1. Shall provide "suitable office for the transaction of business."
2. Appoint deputy, provided there are at least 75 schools under his direct supervision.
3. Apportion school money "on the tenth day of January."

4. Visit schools.
5. Hold District institutes.
6. Select the dates for the summer normal institute. Engage a conductor and instructors for the same.
7. Order from some reputable school supply house clerks' and treasurers' blanks for the coming spring. Get the same in tabulated form. They are cheaper and more convenient.

February.

1. Continue the unfinished work of January.
2. Arrange for suitable observance of Lincoln's and of Washington's birthdays.
3. See that the official records of the office are properly filled out and kept up according to Sections 33-36, inclusive, Revised School Laws.

March.

1. Continue visiting schools and checking up school officers' accounts.
2. Find out if teachers have been satisfactory to their respective districts, and if a change will be desired for the ensuing year.
3. If it seems best, close teachers' district institutes this month.

April.

1. Sit with the county commissioners as a joint-body to sub-divide any districts that may have so decided by a majority vote at the regular March election governing such things.
2. Appoint officers to the newly formed districts.
3. April 15, mail out the tabulated pads of blanks to clerks and treasurers.
4. Order Eighth Grade diplomas and other material needed for closing out the year's work.
5. Begin the visitation of spring terms.

May.

1. Continue visiting schools.
2. Bring up any odds and ends that may have had to be neglected during the busier season.

June.

1. Compare school census reports as required by Sec. 100.
2. Order teachers' blanks in tabulated form and other supplies needed for the opening of schools in the fall, so as to give the publishers a chance to get them shipped on time.

3. Secure and mail copies of the Reading Circle questions to teachers who have been pursuing the work, and encourage them to take the examination.
4. Hold normal institute (if same was planned for this month). At the close send to the state department an itemized account of the receipts and expenditures of the institute fund for the year.

P. S. Under the new law the superintendent must arrange to give instruction in music at least 20 minutes each day during institute.

5. Compile the new census preparatory to the July apportionment.
6. Send report of census to Commissioner of School and Public Lands.
7. See that the newly elected school officers qualify at once.

July.

1. Notify county treasurer of the amount to be withheld from the apportionment for library purposes. (10 cents per capita).
2. Notify county treasurer to withhold apportionment money from districts that have not held at least six months of school during the previous school year.

3. Apportion school money "on the tenth day of July."
4. Draw warrants for the school apportionment money, and notify each school treasurer of the amount due his district.
5. Assist county treasurer in getting out notices to school clerks of the amounts drawn at different times during the year by the various school treasurers.
6. Order a supply of Reading Circle books for the ensuing year.
7. Early in the month send to each school officer a circular letter setting forth such recommendations concerning teachers' salaries and contracts, school property, etc., as may seem wise. Let this be the superintendent's Annual Message.
8. Sit with the county commissioners as a joint-body in apportioning the school property of any district that may have sub-divided.
9. Assemble Library Board and select school library books. Order same promptly.

August.

1. Prepare Annual Report.
2. Send notices to chairman of those clerks and treasurers who filed correct annual reports on or before the first day of August.
3. Go after the reports of those districts that will not send them in. (The law does not say you may, it says you "shall").
4. Submit to the superintendent of public instruction your annual report.

September.

1. Either the first Saturday in September or the last Saturday in August hold a county teachers' meeting. Impart to your teachers your plan of work for the school year. Divide the county into districts for teachers' meetings and appoint officers from the various districts for the new year. (See laws of 1909). This is a good time to distribute the school library and reading circle books. (The law provides that the clerks shall get the library books. The above plan is much simpler, quicker and less expensive. The law should be changed).

2. Begin to visit schools early in the month. Give little time to the older teachers, especially to those who have been teaching successfully for several years in the same district, but give more time to the younger teachers.
3. Mail out regularly your printed monthly examination questions.

October.

1. Begin, if possible, to hold district institutes on the first Saturday in October. (Don't trust the work to teachers. Make it a point to be present yourself).
2. Continue visiting schools.
3. Attend the annual session of the South Dakota Educational Association. (Encourage your teachers to do likewise).

November.

1. File with the county auditor a bill for mileage for attending the South Dakota Educational Association, provided the association was not held in the county in which the superintendent resides.
2. Continue the work of visiting, etc.

December.

1. Visit many schools during the month.
2. December 15, report to state superintendent, Reading Circle enrollment.
3. At the close of December file with the county auditor along with your bill for your December salary, your Certificates of Visitation for schools visited during the year.
"Happy New Year!"

(General).

1. Begin to advertise in the official papers of the county the teachers' examinations called by the state department, at least three weeks in advance.
2. Properly advertise the Eighth Grade examinations.
3. Hold the seventh grade examinations as provided in the Course of Study.
4. Examine school officers' accounts.
5. Send to the chairman of the various boards "Certified Statements of the condition of the records."
6. Hear disputed cases against the closing of any school (Sec. 114).
7. Properly keep official records.

8. Give advice relative to school matters to anybody whenever so requested.
9. Act as truant officer for all districts under his direct supervision.
10. Assemble county board of education every fifth year (the next meeting will be in 1912).
11. Must send to the superintendent of the School for the Blind, at Gary, South Dakota, the names and addresses of all blind and of all deaf children in the county.
12. Shall act as a member of the board of appraisal to fix the value of school lands in the county, offered for sale.
13. Must furnish to the state superintendent a plat of the school districts of the county, whenever called upon to do so. (See Sec. 78).
14. Hold annual school officers meeting at ANY TIME during the year, most convenient (laws of 1909).

(Suggestive).

1. Stimulate regularity and punctuality in attendance by using Perfect Attendance Certificates and Certificates of award prepared especially for this purpose.

2. Encourage the use of school library books by using the Library Certificate system.
3. Re-establish, if possible, the old-fashioned spelling school. It pays!
4. Arrange to hold a school picnic some time during June for all the schools in the county. If properly advertised, a large attendance is assured. (The author used all of the above suggestions during his supervision and he found that the results more than justified the efforts and expense).

Powers.

1. To close school.
2. To revoke certificates.
3. To approve school officers' bonds whenever the two other members of the board refuse or neglect to do so.
4. To grant permission to school officers to teach school in their respective districts, or to draw public moneys for other purposes.
5. To order repairs made on school houses—not to exceed \$50 in any one year.

6. Through the state department to call for opinions of the attorney general on technical points in the school law.
7. Has power to excuse Indian children from attending school (Laws of 1907).

Salary.

1. Determined by:
 - (a) Assessed valuation.
 - (b) Population. (Registration List multiplied by five).
2. Payable monthly.
3. Limited to \$1,500 per annum.

Note—The superintendent's salary being on a fluctuating basis, it will naturally be changed at the end of each year.

CHAPTER II.

District School Boards.

Qualifications.

1. Sex—Either male or female.
2. Age—21 years.
3. Residence—State 12 months, (new constitutional amendment), county 30 days, precinct 10 days.
4. No property. or educational qualifications are required; but a school officer must be a legal qualified voter. Nothing seems more self-evident than that a school officer could not hold an office that he was not qualified to vote for some one else to hold.

Election.

1. Time—Third Tuesday in June.
2. Place—Wherever designated on the Notices of Election.
3. Term of Office—Three years.
4. Rotation—Treasurers will be elected in 1909, chairman 1910, clerks 1911. (Appointive officers hold till the next regular election. Opinion by John L. Pyle, Attorney General).

Oaths of Office.

1. Form—Must conform to the law and to the Book of Forms.
2. When Taken—On or before the second Tuesday in July.
3. By Whom Administered:
 - (a) County superintendent.
 - (b) School clerks.
 - (c) Justices of the Peace.
 - (d) Township clerks.
 - (e) Notaries public.
 - (f) Any other officer of the law possessed of a seal.
4. Where Filed—With the county superintendent.

Chairman.

1. **Qualifications**—Gives no bond; simply takes the oath of office and files the same with the county superintendent.
2. **Duties:**
 - (a) Presides over all meetings of the board.
 - (b) Countersigns all warrants drawn upon the funds of the district (in case of refusal he can be compelled to by securing a writ of Mandamus).
 - (c) Acts as judge of school elections.

- (d) Attends the annual meeting of all school officers convened by order of the county superintendent of schools.
- (e) Institutes legal proceedings in the name of the district.
- (f) Grants use of school house for public functions.

3. Salary:

- (a) \$5. per year. Cannot collect anything additional for presiding over special meetings or for acting as judge of election (Opinion by Attorney General, July 22, 1903).
- (b) Receives \$1.50, and five cents per mile, for attending the annual meeting of district officers convened by the county superintendent.

Clerk.

1. Qualification:

- (a) Takes oath of office, and files same with the county superintendent.
- (b) Executes a bond in the penal sum of \$100. Same must be approved by the chairman and treasurer;

or if they refuse or neglect, by the county superintendent; and be filed with the county auditor.

- (c) Whenever re-elected, must give new bond and oath.

2. Duties:

- (a) Keeps an accurate record of all meetings of the board.
- (b) Acts as a medium of communication between the board and the county superintendent.
- (c) Posts all notices for regular or for special elections.
- (d) Acts as clerk of all school elections.
- (e) Issues warrants for all bills regularly allowed by the board.
- (f) Takes the school census, or appoints someone else to do so (Sec. 99, Par. 2.)
- (g) Attends the annual meeting of school district officers convened by order of the county superintendent.
- (h) Reports to the county superintendent any vacancies that may occur on the board.

- (i) Acts as librarian of his district except while school is in session. (The law then designates the teacher as librarian).
- (j) Notifies the county auditor, immediately after the Annual Meeting on the second Tuesday in July, of the amount of district school tax levied for the ensuing year.
- (k) Keeps a record of the receipts and expenditures.
- (l) Must make annual report to the county superintendent on or before the first day of August of each year.

3. Salary:

- (a) Receives \$5. for each school or department thereof in his district, provided such school or department had at least three months of school during the previous school year ending June 30 of the current year.
- (b) Limitation — Is limited to \$25. per annum.
- (c) Receives \$1.50, and five cents per mile, for attending the Annual

district school officers' meeting convened by the county superintendent.

Treasurer.

1. Qualification:

- (a) Takes oath of office, and files same with county superintendent.
- (b) Executes a bond. Amount is fixed by the board. It must be "not less than double the sum, as nearly as can be ascertained, to come into his hands in any one year." Same must be approved by the clerk and chairman; or if they refuse or neglect, by the county superintendent; and be filed with the county auditor.
- (c) Whenever re-elected, must give new bond and oath.

2. Duties:

- (a) Keeps a record of all school moneys received and expended.
- (b) Pays out money only upon warrants issued by the clerk, properly authorized by the board.

- (c) Registers all warrants drawn upon the district treasury for which there is no money on hand to pay.
- (d) Draws the school apportionment money due his district at least twice each year.
- (e) Draws the school tax money due his district "at least once in three months."
- (f) Makes annual report in triplicate, filing one copy with the clerk, one with the county superintendent and one with the records of his office, on or before the first day of August, each year.
- (g) Attends the meetings of district school officers convened by the county superintendent.

3. Salary:

- (a) Receives \$5. for each school or department thereof in his district, provided such school or department thereof had at least three months of school during the previous school year ending June 30 of the current year.
- (b) Limitation—Is limited to \$25. per annum.

- (c) Receives \$1.50, and five cents per mile, for attending the annual district school officers' meeting convened by the county superintendent.

Meetings of the Board.

1. Regular:

- (a) Second Tuesday in July.
- (b) Last Tuesday in November.
- (c) Last Tuesday in March.

2. Special:

- (a) The clerk can call a special meeting at any time upon request of a majority of the board, by giving written notice to each of the other members.
- (b) Five legal voters in the district may petition the clerk at any time to call a special meeting of the voters of the entire district. In this event he must post public notices at least ten days in advance, just the same as for a school election.

Powers and Duties of the Board.

1. Over School Sites:

- (a) May acquire school site, not to exceed two acres, selected by the patrons at a regularly called meeting.

- (b) May select school site against the will of the owner by appealing to the county superintendent.
- (c) May select a site, not to exceed two acres upon the "common school or endowment lands of this state," and secure title to the same by having selected it at least forty rods from any house and by filing a plat of the same with the Board of School and Public Lands at Pierre. The value of said site will then be appraised by the state board of appraisers, which, under the law, consists of the Commissioner of School and Public Lands, the State Auditor, and the Superintendent of the county wherein the land is situated.

2. Over School Property:

- (a) The board shall have "the care, custody and control of all property." In case of defacement, it is the duty of the chairman to bring action for damages.
- (b) They must make all necessary repairs. If they fail to do so, the county superintendent is au-

thorized to take the law in his own hands and expend not to exceed \$50. in any one year of the district's money in fixing up their property. (Sec. 32.)

- (c) May remove a school house, in township districts, upon a majority vote of the patrons.
- (d) May remove a school house, in sub-divided districts, upon a two-thirds majority vote of the patrons.
- (e) "Shall build, hire or purchase such school house" (or) "make sale of any school house or property of the district, when lawfully directed by the voters of such district;" but the plans for all new school houses must be approved by the superintendent of public instruction.
- (f) Must plant trees around all school premises.
- (g) When stock runs at large, must erect suitable fences around said premises.

3. Over Teachers:

- (a) Can employ only teachers who hold valid certificates.

- (b) Must not employ teachers except upon a written contract. Said contract must be signed by at least (any) two members of the board.
- (c) Liability to teacher — Cannot break contract except for (1) “plain violation of contract” by the teacher, (2) “gross immorality,” (3) “Flagrant neglect of duty.” A teacher has a right to defend herself in court against any of these charges.
- (d) Liability to district—If a board enters into an illegal contract with any teacher and pays her out of the funds of the district, any tax-payer has a right to begin action against them to recover the amount so expended.
- (e) Must employ teacher if selected by a three-fourths vote of the district, provided said teacher is legally qualified.

4. Over Schools in Session:

- (a) “The district board shall have general charge, direction and management of the school.”

- (b) The board shall “assist and co-operate with the teacher in the government and discipline of the schools and may make proper rules and regulations therefor.”
- (c) They may suspend pupils who are “habitually disobedient” for not less “than ten days nor beyond the end of the current term of school.”
- (d) Must “furnish, equip and supply all the schools in the district according to their several necessities.
- (e) Must provide each school with one Websters International dictionary.
- (f) May provide “other high grade library books and books of reference,” not to exceed \$10. in any one year.
- (g) Book case—(1) Must “procure a safe book case in which said books shall be kept,” whenever the district, by a majority vote, has decided to use free textbooks. (2) “The board shall provide suitable cases for the (library) books in each school.”

These two statutes make it mandatory upon the board to furnish a suitable book case for each school in the district.

- (h) May close school not to exceed five days (one school week) to enable the teacher to attend the state or district state teachers' meeting.

5. Organization:

- (a) "They shall organize, maintain and conveniently locate schools for the education of all children of school age (6 to 21) in the district."
- (b) Whenever petitioned by the parents or guardians of SEVEN children of legal school age (6 to 21), all of whom reside within three miles of a school house or of a house proposed to be used as such, "the board shall organize a school and employ a teacher therefor."

- 6. **Transportation**—The board must arrange for the transportation of all pupils who live at an "unreasonable distance" from the school. In cases of dispute as to what constitutes "un-

reasonable distance," the county superintendent is made the sole judge. The language of the statutes and custom have fixed it at three miles.

7. **Outside Pupils**—The board "shall admit to the schools of the district, pupils from other districts when it can be done without injuring or overcrowding such schools, and make regulations for their admission and the payment of their tuition."

8. **Assignment of Pupils**—Where a district contains more than one school, it is the duty of the board "at their annual July meeting, each year, (to) make the assignment and distribution of pupils to and among the schools in the district," "taking into consideration the wishes of the patrons and the best interests of the pupils an district." It is plainly evident, if this action is not taken by the district board and a record made of it in the clerk's minutes, that if a popular teacher comes into the district (if there be more than one school) there will be nothing to stop all the children in the township from crowding into her school.

9. **Tuition**—The board must pay \$2. per month tuition for Eighth Grade graduates who are attending neighboring high schools; the balance must be paid by the parent or guardian. (Laws of 1909).
10. **Consolidation**—Whenever the board deems it advisable they may combine “two or more schools into one” and arrange for “the transportation of the pupils.”
11. **Discontinuation:**
- (a) The board may discontinue a school.
 - (b) The patrons may appeal the matter to the county superintendent.
 - (c) The superintendent shall decide the case and his “decision shall be heeded by the district school board.”
12. **Closing School**—The board has no authority to close school on account of contagious disease. This authority is vested in the county superintendent under Sec. 46, and in the county board of health by general statute.

On this point the law is very defective. The Moral Law has therefore given rise to a general custom: When a board discovers contagion in their school, they proceed to close it temporarily, and send immediate notice to the county superintendent. This illegal but righteous practice should be resorted to only in cases of extreme necessity.

13. School Taxes:

(a) Levied by the board.

(b) Amount—Not to exceed 25 mills on the dollar in a year.

14. Judgment Tax—The law expressly provides “every school district * * * shall be and hereby is constituted a district corporation * * * and under its own proper name * * * may sue and be sued.” It provides further: “Whenever any final judgment shall be obtained against any school corporation, the board thereof shall levy a tax upon the taxable property in the corporation for the payment thereof. * * * If the school board refuse or fail to levy such tax” the law will not permit the holder of the judgment to execute the same but permits the matter to pass into the

hands of the board of county commissioners who shall cause such tax to be levied upon the property of the district." If the judgment is so large that the county commissioners cannot levy enough to meet it in one year without going beyond the 25 mill limit, "such levy may be repeated until the judgment is paid."

15. Bond Tax—The board is authorized to levy a sufficient tax to pay the interest on outstanding bonds, and to pay them off as they become due. In case they neglect or refuse to do this, the law empowers the county auditor to levy the tax.

16. Free Text-books:

(a) May be had upon a majority vote of the district.

(b) The regulations for the care of the books is left to the board.

17. Contracts—The law expressly provides that the board **MUST** not enter into any contracts, except "for the employment of teachers," unless it be done "at a regular meeting or a regularly called special meeting"

18. Bills:

(a) Must not be allowed except for services rendered or for indebt-

edness incurred prior to their allowance.

(b) There must be a bill on file to correspond with each warrant.

(c) "Teachers must file a bill for each month's salary." (Opinion by Attorney General, February 11, 1904.)

19. **Prosecutions**—All prosecutions in the name of the district shall be begun by the chairman; likewise, in all actions against the district the papers must be served on the chairman—he being the legal head of the board.

Parliamentary.

1. **Meetings**—The board holds three regular meetings each year. Special meetings may be called at any time.
2. **Quorum**—Two members constitute a quorum for the transaction of business.
3. **Chairman**—If the chairman is absent, one of the other members acts (preferably the treasurer,—the clerk being charged with the responsibility of keeping the minutes).
4. **Clerk**—If the clerk is absent, the chair appoints.
5. **Motions**—A motion does not need to

be seconded, after being made, before being put by the chair.

6. Order of Business:

- (a) Roll call.
- (b) Adoption of minutes of previous meeting.
- (c) Unfinished business—Reports of committees, of officers, etc.
- (d) New business—Allowance of bills; consideration of communications and petitions; appointments of committees, etc.
- (e) Adjournment.

Powers Denied.

- 1. Making illegal contracts.
- 2. Paying bills not allowed at a regular, or a regularly called special meeting of the board.
- 3. From expending over \$10. in any one year for reference books.
- 4. From buying charts or similar devices without a vote of the district.
- 5. From misappropriating public funds.

Punishment of District School Clerks and Treasurers.

CAUSE	Sec. of Law	MINIMUM PUNISHMENT	Sec. of Law	MAXIMUM PUNISHMENT	Sec. of Law	ACTION BROUGHT BY WHOM	Sec. of Law
1 Failure to make annual report on or before the first day of August	2318 2319 2320 2340	Five Dollars withheld from annual salary for current year	2320 340	May be fined	2382	Mini'm penalty by Co. Sup't and Co. Com'rs. maximum by States Attorney	2320 2340 2382
2 Failure to make any legal report required by law	2382	Fine of \$10	2382	Fine of \$50	2382	States Attorney	2382
3 Wilfully making false report to county superintendent	2367	Fixed by Court	2367	Fine of \$50. Imprisonment in County Jail not to exceed fifteen days.	2367	County Superintendent	
4 For mutilating or destroying any records of the district, or for refusal to turn over said records to his successor, upon demand, after the latter has duly qualified	2367 2368	Guilt — a misdemeanor. Punishment fixed by Court.	2367	Fixed by Court	2367	Successor in office	2367

N. B. (a) JURISDICTION—Where the amount involved does not exceed \$100. Any of these cases may be tried before a Justice of the Peace; above that amount, by the Circuit Court. The right of appeal is given. Section 2372.
 (b) REFERENCE—The Sections of Law given refer to the Revised Code of South Dakota.

Punishment of the Public by School Officers.

GUILTY PARTIES	Sec. of Law	CAUSE	Sec. of Law	MINIMUM PUNISH- MENT	Sec. of Law	MAXIMUM PUN- ISHMENT	Sec. of Law	ACTION BROUGHT BY WHOM	Sec. of Law
1 Any person	141	Disturbing school while in session	141	Fixed by Court	141	(a) Fine of \$25 (b) Imprisonment 10 d's (c) Both	141	(a) Teacher (b) Board	
2 (a) Father (b) Mother (c) Guardian	148	Failure to send any child in their possession, betw'n 8 and 14 years of age, to school 16 weeks, at least 12 of which shall be consecutive	148	Fine of \$10 and costs	148 Par. 2	Fine of \$20 and costs	148 Par. 2	(a) Truant officer appointed by Board of Edu- cation (b) County Sup't	149 149
3 School Children	149	(a) Haunting pub- lic places (b) Truancy	149	Returned to sch'l by officer making arrest	149	Same as minimum	149	Truancy officer	149 Par. 2
4 (a) Owner, Sup- erintendent or over- seer of any mine, factory, workshop, or mercantile es- tablishment (b) Any other Person	150	Employing a child under 15 years of age, who has not attended school as required by law	150	Fine of \$10 and costs	150	Fine of \$50 and costs	150	(a) Chairman (b) President B'd of Education (c) County Sup't (d) Truancy officer	149
5 Any person hav- ing control of a child under 15 yrs. of age	150	False statement concerning age of child or its attend- ance at school	150	Forfeiture of \$10 to school district	150	Forfeiture of \$50 to school district	150	(a) Chairman (b) President B'd of Education (c) County Sup't (d) Truancy officer	149
6 Any peril	142	Defacing school property	142	Suspension or expulsion	142	Parents and guardians held for damages	142	(a) Chairman	142

N. B. JURISDICTION—County Court, with right of appeal to Circuit the Court.

CHAPTER III.

School Teachers.

As the law provides for seven different grades of teachers' certificates, seven classes of teachers necessarily arise. Not all the qualifications of each class are established by law, but part of them are fixed by the superintendent of public instruction. The qualifications for each class are herein treated separately.

Qualifications.

1. Life Diplomas:

- (a) Character—Must furnish satisfactory evidence of good moral character.
- (b) Age—At least 22, unless a college or normal graduate.
- (c) Fee—Ten dollars. If applicant fails, one-half is returned. Resident graduates are exempt from any fee.
- (d) Education—Must be graduate of a college giving a four years' course of instruction above a four years' high school course, or be a graduate of some normal school

giving a two years' course above a four years' high school course, or else pass an examination.

- (e) Professional Training — Must have done one-fourth work in one course of pedagogical studies for at least eighteen months.
- (f) Examination—"Applicants shall, by examination or otherwise, show satisfactory proficiency in the following branches: Reading, orthography, penmanship, arithmetic, grammar, composition, geography, United States history including South Dakota history, civics, physiology and hygiene;" must "pass a satisfactory examination in physical geography, physics, algebra, geometry, general history of the pre-college grade, and in English language and rhetoric, English and American literature, either economics or sociology;" must pass also in "any two of botany, zoology, physiology, physics, chemistry, Latin, German, geology and minerology, astronomy, algebra and trigonometry, all of the college grade; and pedagogy,

including principles, method, management, psychology and history of education."

- (g) Papers—Marked by superintendent of public instruction.
- (h) Experience—Forty months.
- (i) Validity—During good behavior.
- (j) Pay—In order to take the examination, teachers may dismiss school, not to exceed two days in any one year, without loss of pay.
- (k) Reciprocity—The state department is authorized to recognize the diplomas of other states, granted in accordance with the requirements for such diplomas in this state.

2. State Certificates:

- (a) Character—Must furnish satisfactory evidence of good moral character.
- (b) Age—At least 20, unless a college or normal graduate.
- (c) Fee—Five dollars. If applicant fails one-half is returned. Resident graduates are exempt from any fee.
- (d) Education—Must be graduate of a normal school giving "at least one year's work above an ap-

proved four years' high school course," or of some "other school having a course of study equivalent to the state normal school course * * * together with a course of at least eighteen months of pedagogy and professional training;" and two hours per week for one year in music. (Laws of 1909).

- (e) Provisional Certificate—A normal school graduate must present evidence of eighteen months' successful experience in teaching. If applicant cannot do this, the superintendent of public instruction may issue to him a provisional certificate valid for a sufficient length of time to enable him to acquire this experience; after which, if he is successful, his state certificate will be issued.
- (f) Examination — Applicant shall "by examination or otherwise, show satisfactory proficiency in orthography, reading, penmanship, arithmetic, geography, English grammar, physiology and hygiene, United States history

including South Dakota History, and shall pass a satisfactory examination in civil government, American literature, drawing, algebra, plane geometry, physical geography, physics or botany, general history, pedagogy; and English language, composition and rhetoric."

- (g) Papers—Marked under the direction of the superintendent of public instruction.
- (h) Experience — Twenty-four months.
- (i) Validity—Five years. Renewable, if successful.
- (j) Pay—In order to take the examination, teachers may dismiss school not to exceed two days in any one year, without loss of pay.
- (k) Reciprocity—The state department is authorized to recognize such certificates from other states, granted in accordance with the requirements for these certificates in this state.

3. First Grade Certificates:

- (a) Character—Must be good.
- (b) Age—At least 18.

- (c) Fee—One dollar.
- (d) Examination — Applicant must pass an examination in the following subjects: Orthography, reading, writing, arithmetic, geography, physical geography, English grammar, physiology and hygiene, history of the United States, civil government, current events, American literature, South Dakota History, drawing and didactics.
- (e) Papers—Marked under the direction of the superintendent of public instruction.
- (f) Standings—Must average 85 and not fall below 75 in the following branches: American literature, drawing, physical geography, and current events. Must average 90 and not fall below 75 in the remaining branches commonly known as “second grade studies.”
- (g) Experience—at least six months’ successful experience.
- (h) Validity—Three years anywhere in the state in all grades below the high school. Renewable, if successful.

- (i) Pay—In order to take an examination, a teacher may dismiss school, not to exceed two days in any one year, without loss of pay.

4. Second Grade Certificates:

- (a) Character must be good.
- (b) Age—At least 18.
- (c) Fee—One dollar.
- (d) Examination — Applicant must pass an examination in the following branches: Orthography, reading, writing, arithmetic, physiology and hygiene, geography, English grammar, history of the United States, civil government, South Dakota history, didactics and drawing.
- (e) Papers—Marked under direction of superintendent of public instruction.
- (f) Standings—Must average 80 and not fall below 65 in any study.
- (g) Experience—At least six months' successful experience.
- (h) Validity—Two years in county wherein examined, in all grades below the high school. Good

in other counties if endorsed by the superintendents of such counties. Not renewable.

- (i) Pay—In order to take an examination, teachers may dismiss school, not to exceed two days in any year, without loss of pay.

5. Third Grade Certificates:

- (a) Character—Must be good.
- (b) Age—At least 18.
- (c) Fee—One dollar.
- (d) Examination—same as for second grade.
- (e) Papers—Marked under direction of the superintendent of public instruction.
- (f) Standings — Must average 75 and not fall below 60 in any study.
- (g) Experience—None.
- (h) Validity—No time limit on third grade certificates is mentioned in the present law. This leaves the superintendent of public instruction and the county superintendent free-handed in the matter. Valid only in school designated by county superintendent on face of cer-

tificate. Applicant limited to two third grade certificates.

- (i) Pay—In order to take an examination, teachers may dismiss school, not to exceed two days in any year, without loss of pay.

6. Primary Certificate:

- (a) Character—Must be good.
- (b) Age—At least 18.
- (c) Fee—One dollar.
- (d) Examination — Applicant must pass a satisfactory examination in: Reading, writing, orthography, arithmetic, physiology and hygiene, geography, English grammar, history of the United States, South Dakota history, drawing, didactics, and in questions in kindergarten and primary methods.
- (e) Papers—Marked under direction of the superintendent of public instruction.
- (f) Standings—Fixed by superintendent of public instruction.
- (g) Experience—None.
- (h) Validity—In kindergarten department, first and second grades only, in town Schools. Valid only in county where issued.

Good in other counties if endorsed by the superintendents of such counties. Duration, fixed by state superintendent. Renewable, by state superintendent, if successful.

- (i) Pay—In order to take an examination, a teacher may dismiss school, not to exceed two days in any year, without loss of pay.

7. Special Certificates:

- (a) Justification—Inability of applicant to be present at regular examination.
- (b) Grades of same—First, second or third.
- (c) Papers—Marked by county superintendent.
- (d) Validity—In any school designated by the county superintendent, until the next regular examination, and only in grades below the high school.

- 8. Constant Qualifications:** While teaching, a teacher must at all times be possessed of a valid certificate. (Amended laws of 1905)

Duties.

- 1. May read aloud to pupils the Bible or other books of moral instruction.

2. The teacher must give instruction in "truthfulness, temperance, purity, public spirit, patriotism and respect for honest labor, obedience to parents and due reverence for old age."
3. Teachers must, "in addition to other branches of study as now prescribed" give instruction in a "system of humane treatment of animals;" also in music by means of blackboard drills and simple songs.
4. Must teach five and one-half hours, exclusive of intermissions.
5. Must admit pupils from outside districts, upon order of the board.
6. During school, must act as librarian of the district.
7. Must NOT hold school on Decoration Day, Thanksgiving Day, Christmas or Sunday. (Cannot collect wages for teaching on Saturday).
8. Must dismiss school during the session of the normal institute.
9. Must attend the normal institute.
10. Must attend their respective district institutes or forfeit a day's pay. (It is doubtful if this statute would stand a constitutional test).
11. By and with authority of the board may dismiss school not to exceed

five days to attend the state or district state teachers' associations. The time lost must be made up unless the board shall resolve otherwise.

12. Should co-operate with the county superintendent in all things.
13. Must keep a register showing in detail the work of the school.
14. Teachers must classify the work of their schools according to the Course of Study and make reports as prescribed therein, owing to the fact that the statutes make the Course of Study a part of the school law.
15. Reports: (The following reports are required only from those teachers who are under the DIRECT supervision of the county superintendent. The blanks for these reports are furnished gratis by the county superintendent).
 - (a) On the first day of school, or as soon thereafter as practicable, send to the county superintendent a Notice of such Beginning and the probable time when the term will close.
 - (b) At the end of the first week send in your Classification Report.

- (c) At the end of each month hold regular monthly examination, and send Monthly Report to the county superintendent.
- (d) At the end of each month file with the clerk a bill for salary. (Opinion of Attorney General, Feb. 11, 1904).
- (e) At the proper time file bill for salary and mileage for attending District Institutes.
- (f) At the close of school make out Term Report in duplicate, sending one copy to the county superintendent and the other to the clerk.

Salaries.

1. **Amount**—Fixed by contract. They are usually too low, making the profession an act of charity.
2. **Payable Monthly**, when bills for the same have been filed with the clerk. (Opinion of Attorney General, Feb. 11, 1904).

Teachers are entitled to draw only 90% of their monthly salaries until the close of the term, as a guaranty of faith. (Opinion of Attorney General, Sept. 16, 1904. If challenged,

it is doubtful if this opinion would stand the test of the courts.

3. **Extra Pay**—Under a Special Act of 1909, teachers are entitled to \$1.50 and five cents per mile each way, for attending their respective local district institutes,—not less than two and not to exceed four in any one year.
4. **Janitor Work**—Teachers cannot collect extra pay for janitor work unless so stated in their contracts. There being no specific law on the subject, CUSTOM (the “unwritten” law) would hold.

CHAPTER IV.

School Bonds.

The law touching upon the issuance of bonds is so confusing that it is deemed advisable to reduce the whole process to a graduated outline. Boards will have little bother by adhering closely to the following guide:

1. **Amount**—First see that proper title has been secured to the school site; then go to the county superintendent and specify to him the size of the building desired to be built, and talk over with him the equipment. Then have some reliable lumberman or contractor make a definite estimate of the cost of the building complete. Add to this the cost of the site, if it is to be included in the bond issue; of school desks, recitation benches, blackboard, stove, window shades, and teacher's desk; also the cost of a bell if one is to be supplied. You will then have a practical idea of the amount of bonds necessary to be issued.

2. **Limitation**—The amount of bonds which a district can issue is limited to \$2,500, (laws of 1909), “except in towns and villages of more than 300 inhabitants.” In these it is limited to 4% of the assessed valuation. Where two or more schools are consolidated, the limitation is fixed at \$4,000.
3. **Petition**—Secure a blank petition for bond election from the county superintendent. Fill out the heading carefully, inserting the amount of the bonds proposed to be issued. Then circulate it over the district and secure the signatures of at least “one-third of the voters resident in said school district,” including all of the women over 21 years of age. File this petition with the clerk of the board.
4. **Special Meeting**—The clerk must then call a special meeting of the board to determine the legality of the petition.
5. **Notice of Election**—If the board approves the petition they pass a resolution authorizing the clerk to issue a call for a special bond election. The clerk then posts notices of elec-

tion in "at least three public and conspicuous places in said district * * * not less than twenty days before the meeting." The clerk should make four copies of these notices, reserving one to be filed with the county auditor. These notices, to be legal, must specify three separate and distinct things: (a) Time and place of election, (b) Amount of proposed bonds, (c) "The time in which they shall be made payable."

6. Election—The election is conducted on the day set in a manner similar to all school elections,—the clerk of the board acting as clerk of election and the chairman of the board as judge.

7. Records Filed—The law expressly provides that the records of election shall be filed with the county auditor. These certified records must consist of the following: (a) The petition, (b) Copy of the resolution of the board ordering the election, (c) Copy of the notices of election, (d) All the ballots cast, (e) The poll book.

8. Sale—If the election is carried the district school treasurer shall then

negotiate with either some local citizen, the board, some neighboring bank, some regular bond company, or with the county auditor for the sale of the bonds.

9. **Denomination**—They must be issued in one of the following denominations: \$50., \$100., \$150., or \$200.
10. **Interest**—They shall not draw interest to exceed 7 per cent. per annum. The interest must be paid annually or semi-annually as specified on the face of the bonds.
11. **Quality of Paper**—All school bonds “shall be lithographed or printed on good bond paper.”
12. **Form**—They must specify on their faces, (a) Date, (b) Amount, (c) To whom issued, (d) Purpose, (e) Rate of interest.
13. **Certification**—They must be certified to by the county auditor (Section 2387).
14. **Signatures**—In addition to the county auditor’s certification they shall be signed by the chairman and clerk of the school board.
15. **Numbered**—They shall be numbered in numerical order and shall become

due in the order in which so numbered.

16. Registry—The school clerk must then register them in a book expressly provided for that purpose.

17. Tax Levy—The board is authorized to levy a sufficient tax to pay the interest on outstanding bonds, and to pay them off as they become due. In case they neglect or refuse to do this, the law empowers the county auditor to levy the tax. Consult Section 2388 Revised Code. (18)

18. Payment—Whenever a bond has been paid by the treasurer, the board shall cause to be written in red ink across the face of said bond and its accompanying coupon, the words "Cancelled and paid."

19. Record of Payment—The clerk shall enter in his bond book: (a) The number of such bond, (b) The date of such payment, (c) The amount paid.

20. Cancelled Bonds—All bonds, as fast as they are paid, must be filed with the district treasurer.

21. Destruction—All cancelled bonds, after being filed with the district treasurer, must be carefully pre-

served by him until the last one outstanding has been paid. They must then ALL be destroyed in the presence of the entire board. The clerk should (although not compelled to by law) make a record of the date of this destruction in his bond book. There are legal reasons to justify this suggestion.

CHAPTER V.

Sub-Dividing Districts.

(Complete Process).

1. **Time**—Petition must be attended to before the 15th day of February so as to file it with the clerk at least 20 days prior to the election which occurs on the second Tuesday in March.
2. **Plat**—A safe scheme is to go to the county superintendent with a rough map indicating the proposed divisions, and let him prepare FOUR copies of a neat plat definitely setting forth the boundary lines of the new sub-divisions.
3. **Petition**—Secure a blank petition praying for sub-division, from the county superintendent. Attach firmly to it a copy of the new plat. Circulate it freely over the district. If signed by at least one-third of the qualified electors of the district (women included) file it with the district school clerk at least 20 days prior to the second Tuesday in March.

4. **Special Meeting**—Although not compelled to by law, it is best for the clerk to call a special meeting of the board at once, by serving a written notice upon each of the two other members, to pass upon the legality of the petition. If they approve it the board should pass a resolution ordering the clerk to call a special election. If this step were omitted it might not invalidate the process, yet it is the wisest way to handle it. The number of signers to the petition might be comparatively limited. In this case, if the clerk acted on his notion, the whole thing might be thrown out in court, after the election, on the insufficiency of the petition. The law contemplates this meeting—Sec. 2324, par. 1.

5. **Notices Posted**—Notices of a Special Election must be posted in three public and conspicuous places in the district by the clerk at least ten days prior to the time set for the election. These notices of election must set forth three things, (a) Time and date of election, (b) Place, (c) Copy of new plat. On the day of election

the clerk must post a copy of the new plat at the polling place.

6. **Place of Election**—The law compels the board, either at a regular or special meeting, to designate the place at which the election shall be held. (This justifies the argument for a special meeting, suggested under paragraph “4.”)
7. **Election**—The election is held at the time and place set, in a manner similar to all school elections.
8. **Majority Vote**—If a majority of the votes cast are in favor of the petition, the election is carried, even though those cast “for” and “against” the petition do not equal the number of signatures attached to it. Frequently, after voters have signed the petition they lose interest in it and do not attend the election. To illustrate: If only One vote were cast in favor of the petition and none against it, it would be carried.
9. **Election Returns**—The clerk must file the original petition and the poll book with the county auditor. The election will be illegal unless this be done.

10. Action of Commissioners and Superintendents—The county commissioners at their regular meeting in April following the election, in joint session with the county superintendent, shall canvass the petition and the poll book. If satisfied that all has been done legally they proceed to sub-divide the district into new districts as set forth in the plat attached to the petition. At this meeting* they name the new districts; and in counties where the numbering process is in vogue, they give each its respective number.

In order to facilitate matters the commissioners should, at this meeting, appoint a committee consisting of the county superintendent and at least two members of their own body, to visit all the schools in the district before their regular July meeting, and appraise the value of each schoolhouse and site, also the furniture, apparatus and fixtures.

11. Appointment of Officers — Section 2330 provides: "Whenever a school district shall be formed, the county superintendent of schools shall appoint temporary officers for such

school district, who shall serve until the first annual school election following and until their successors are elected and qualified."

- 12. Duties of New Officers—**(a) **Clerk:** The new clerk must take the census as required by law. He must also post the notices for the regular June election, and act as clerk of the same. He may also find it expedient to call one or more special meetings of the new board. (b) **Chairman:** The chairman will have nothing to do until the June election, unless a special meeting of the board should be called. (c) **Treasurer:** The treasurer will have nothing to do, unless a special meeting be called, for no funds fall into his hands until after the county commissioners and the county superintendent have apportioned the funds of the old district among the new ones at their joint meeting in July.

- 13. Duty of Old Officers—**(a) **Special Meeting:** The clerk should call a special meeting of the old board on or before the first Monday in July. At this time the accounts of the district

should be gone over carefully; and if bills have been filed, and there is sufficient cash on hand, warrants should be issued for all outstanding indebtedness, other than school bonds. Here common sense must step in and supply the deficiency in the law. This is the most opportune time for the old clerk and treasurer to make out and submit to the board for adoption and to the county superintendent for his approval, their annual reports, thus giving the superintendent a chance to check up their accounts and approve the same before the money is turned over to the county treasurer for distribution among the new districts; besides making it possible for the old clerk and treasurer under Section 2340, Par. 4, to secure their annual salaries before the funds are divided, thus saving an endless chain of bother. This meeting, if possible, should be held in the office of the county superintendent where access to the county records can readily be had, as many things will come up for final adjustment. (b) Clerk: The law provides that the clerk "shall, on or before

the first Monday in July following the division * * * forward to the county auditor a certified statement of the finances of the district, including the bonded and other indebtedness." (c) Treasurer: "On or before the first Monday in July," the treasurer must "turn over to the county treasurer all money belonging to said district."

14. **Apportionment of Cash and School Property** — At their regular July meeting, which, according to law, comes on the next day after the funds have been turned over to the county treasurer, the county commissioners and county superintendent, acting in conjunction, must apportion the cash and property of the old school district, equitably among the new ones. The following illustration will prove a helpful guide: If the old district had in it four schools, number 1, 2, 3, and 4, respectively; and the appraisement committee, heretofore suggested, should fix the total valuation of No. 1 at \$325., of No. 2 at \$380., of No. 3 at \$344., and of No. 4 at \$361., and there were still \$210. in cash to be apportioned, it would have

to be divided so that each new district would receive its equitable share of both the cash and the property. To do this, add together the values of the four schools and the cash. In this case it would total \$1620. Dividing it equally among the four districts, each should receive cash and property valued at \$405. By subtracting from this sum the appraisement of each school, it will be found how much cash each district is entitled to receive. For instance No. 1 would receive \$405. less \$325. or \$80. in cash; No. 2 would receive \$25. ; No. 3, \$61. ; No. 4, \$44.

15. Apportionment of Indebtedness—

The indebtedness of the old district divides itself naturally into two classes; namely, Local Debts, or those arising from current expenses, and Bonded Debts, or those arising from outstanding bonds. The old board should make an effort to have bills filed for all local debts, and at their last special meeting, if there is sufficient cash on hand, they should issue warrants for all of them, leaving nothing but the bonded indebtedness which, under Sec. 2323, Par 2, will

be disposed of by the county commissioners. If there are more local debts than there is cash to meet, they too will have to be apportioned among the new districts by the commissioners and the county superintendent,—the latter not sitting with the commissioners while the bonded indebtedness is being disposed of. It is never wise for a district to sub-divide until its old school bonds are paid off.

16. **Records**—The law is silent as to what shall be done with the old records. However, they should be filed with the county superintendent for further reference by him in assisting the officers of the new districts to get started in their perplexing work.
17. **Turning Over the Cash**—As soon as the new treasurers elected at the June election, have filed their oaths and bonds as required by law, the county superintendent should notify the county auditor to issue warrants on the county treasurer in favor of each of the new district school treasurers for the funds on hand due their respective districts. The new school districts are now firmly launched:

each is a body corporate; each can contract debts, sue and be sued; and exercise all the privileges enjoyed by any other corporation as to issuing bonds, etc.

P. S. A few chapters of the law, seldom used, have not been SIMPLIFIED.
—The Author.

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